

### **ARTICLE III. ANIMAL CRUELTY**

#### **Sec. 6-41. General care; prohibited acts.**

All animals shall be kept and treated under sanitary and humane conditions and it shall be unlawful for any person to engage in one or more of the following acts:

(1) Failure to provide adequate food. All animals, unless otherwise indicated in this chapter, shall be given at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff in a container suitable for the age and species of the animal and sufficient to maintain a healthful level of nutrition.

(2) Failure to provide adequate water. All animals shall have constant access to a supply of clean, fresh, portable water or a supply of clean, fresh portable water provided at suitable intervals. If access is not constant, then adequate amounts of water must be provided at least twice in a 24-hour period. If water is provided at intervals, it must remain in the animal's enclosure for at least one hour during each interval.

(3) Failure to provide adequate shelter. All animals shall be provided with adequate shelter from the weather at all times. It shall be within the discretion of animal services to determine what constitutes adequate shelter. Examples of inadequate shelter include, but are not limited to the following:

a. Underneath outside steps, decks and stoops.

b. Underneath houses.

c. Inside or underneath motor vehicles.

d. Inside metal or plastic barrels.

e. Inside cardboard boxes.

f. Inside temporary animal carriers or crates.

g. Shelters located in flood-prone areas.

h. Shelters surrounded by waste, debris, obstructions or impediments that may endanger an animal.

(4) Failure or refusal of any owner of a sick, diseased or injured animal to provide proper medical treatment for the animal. A sick, diseased or injured animal shall go no longer than 24 hours without veterinary care.

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(5) Animal Cruelty. Examples of animal cruelty include, but are not limited to the following:

a. Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck.

b. Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised.

c. Allowing a dog or cat to be left outside in inclement weather or extreme temperatures without adequate shelter.

d. Intentionally allowing animals to engage in a fight.

e. Allowing animals to live in unsanitary conditions.

f. Allowing animals to live in crowded conditions.

g. Failure or refusal to obtain medical treatment for an animal when in an animal control officer's opinion such treatment is needed.

h. Trapping a dog or cat without the use of a recognized humane live animal trap.

i. Permitting any exhibit, function or activity where animals are being cruelly treated or animals run the risk of causing injury to the public or them. The animal services division shall have the authority to inspect and to close down public exhibits of animals which are part of fairs, carnivals, festivals, fund raising events, petting zoos and any other activity or function carried out in the county if it is determined that animals are being cruelly treated, abused or run the risk of causing injury to the public or themselves.

j. Animals being confined to or restrained on the premises of a vacant or abandoned structure.

k. Failure to provide adequate drainage to prevent surface water from standing in the area of the pen or enclosure where the animal is kept. It shall be within the discretion of animal services as to what constitutes adequate drainage.

(6) Chaining or tethering an animal to a stationary object for a period of time or under conditions that an animal control officer deems harmful or potentially harmful to the animal. Examples of improper chaining or tethering include, but are not limited to the following:

a. Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal. Guidelines for the proper weight and length of chains or tethers can be obtained from the animal services division.

b. Using a chain or tether made of rope, twine, cord or similar material.

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c. Using a chain or tether that is less than ten feet in length and/or does not have swivels on both ends. All chains or tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch in width.

d. Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter.

e. Using a chain as a primary collar. All collars used for the purpose of chaining or tethering an animal must be made of nylon or leather.

(7) Leaving an animal in a closed vehicle or other enclosure for such duration or at such temperatures as an animal control officer deems harmful or potentially harmful to the animal.

(8) Failure or refusal to report injured domestic animals.

a. All persons who injure a domesticated animal by running over, into or otherwise coming into contact with such animal with an automobile, motorcycle, bicycle or other vehicle shall notify the owner of the animal immediately.

b. If the owner is unknown, the person who injured the animal shall immediately notify animal services by giving his or her name and address, a description of the animal and the location of the incident.

(Code 1995, § 343.21; 2007, § 6-41)

**Sec. 6-42. Sanctions, penalties, fines, remedies.**

Any person who fails or refuses to abide by or otherwise violates this article shall be subject to the following sanctions or penalties.

(1) An animal control officer may obtain a magistrate's order to take possession of the animal.

(2) If the conditions pose an immediate threat to the health or safety of the animal or the public, animal services may summarily seize the animal. A notice of seizure describing the exigent circumstances warranting the seizure shall be left with the owner or affixed to the premises. Examples of exigent circumstances include, but are not limited to the following:

a. Unsanitary conditions resulting from the number of animals involved.

b. Unsanitary conditions resulting from the owner's inability or unwillingness to clean the area where the animals are housed.

c. Any animal being neglected and/or abused.

(3) If it is determined by the animal control officer that the animal is not in immediate danger, or the problem which gives rise to the inadequate treatment or abuse can be corrected

within 72 hours, the officer may, in lieu of subsection (1) or (2) above issue a written notice of violation directing the owner or possessor of the animal to correct the problem within 72 hours. If the condition or problem is not corrected within 72 hours, the animal control officer may take action as outlined in subsection (1) or (2) above.

(4) Notwithstanding the other provisions and sanctions of this article, an animal control officer may issue a civil penalty for violation of any provision of this section in accordance with section 6-10.

(5) When it has been determined by the animal control officer that there has been a violation of one or more provisions of state laws or this ordinance, the officer may initiate a criminal summons or warrant.

(Code 1995, § 343.22; 2007, § 6-42)

**Sec. 6-43. Exemptions.**

This article shall not apply to agencies conducting biomedical research or training, the production of livestock or poultry for sale as a consumer product and the lawful destruction of any animal for the purpose of protecting livestock, poultry or humans.

(Code 1995, § 343.23; 2007, § 6-43)

**Secs. 6-44--6-70. Reserved.**